

### **REMARKS**

This responds to the Office Action mailed on March 19, 2009.

Claims 27, 28, 34, 35, 38, 46, 49, 50, 51, 52 and 57 are amended; claims 69 and 70 are added; as a result, claims 27-29, 31-35, 38-40, 42-46 and 49-70 are pending in this application.

#### **Claim Objections**

Claim 57 was objected to due to informalities. Specifically, claim 57 was objected to as being dependent upon canceled claim 1. Applicant has amended claim 57 to correct the dependency.

#### **§ 112 Rejection of the Claims**

Claims 35, 38 and 46 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. While Applicant respectfully disagrees with the Examiner, as support for a “member server” is found in Applicant’s originally filed specification, on pages 7 and 8, as well as FIG. 1, Applicant herein amends the pending claims to replace the term “member server” with the term “server.” Therefore, Applicant respectfully submits that Applicant’s claims 35, 38 and 46 satisfy 35 U.S.C. §112, as the originally filed specification discloses a member web site.

### § 103 Rejection of the Claims

#### Claim Rejections

Claims 27-29, 31-34 and 49-65 were rejected under 35 U.S.C. § 103(a) as being obvious over Carlin et al. (U.S. Patent No. 6,119,152, hereinafter, “Carlin”), “Domain Names – Concepts and Facilities” (hereinafter, “RFC 1034”) and Fisher et al. (U.S. Patent No. 5,835,896, hereinafter, “Fisher”).

Claims 35, 38-40 and 42-46 were rejected under 35 U.S.C. § 103(a) as being obvious over Carlin, RFC 1034, Lowery et al. (U.S. Patent No. 5,894,554, hereinafter, “Lowery”) and Fisher.

Claims 66-68 were rejected under 35 U.S.C. § 103(a) as being obvious over Carlin, RFC 1034, Fisher, and Sadiq et al. (U.S. Patent No. 6,032,153, hereinafter, “Sadiq”).

#### Applicable Law

In rejecting claims under 35 U.S.C. §103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. See M.P.E.P. §2142. The courts hold that the *Graham* factual inquiries are to be used to evaluate claims for obviousness, instructing as follows:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.”<sup>1</sup>

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”<sup>2</sup> All words in a claim must be considered in judging the patentability of that claim against the prior art.”<sup>3</sup> Office personnel must rely on the Applicant’s disclosure to properly determine the meaning of the claims.”<sup>4</sup>

<sup>1</sup> 127 S.Ct. 1727, 82 USPQ,2d 1385 (2007). 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The Court in *KSR v. Teleflex*, at page 1730, quoted the analysis of *Graham* from page 18.

<sup>2</sup> *In re Royka* 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

<sup>3</sup> *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

<sup>4</sup> *Markman v. Westview Instruments* 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), *aff’d*, U.S., 116 S. Ct. 1384 (1996).

Applicants respectfully submit that the applied references do not satisfy the Graham inquiries, as they fail to include each element claimed; and further, Applicants disagree with the Examiner's characterization of the applied references as teaching the claimed inventive subject matter.

Further, the recent U.S. Supreme Court decision of *KSR v. Teleflex* provides a tripartite test to evaluate obviousness. "A rationale to support a conclusion that a claim would have been obvious is that ***all the claimed elements were known*** in the prior art and one skilled in the art could have combined the elements as claimed by known methods ***with no change in their respective functions***, and ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art." (See *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007)). Emphasis added.) It is submitted that the references as applied do not satisfy the KSR criteria.

Applicant respectfully submits that the rejection of the aforementioned claims under 35 U.S.C. § 103 is defective for the reason that that ***all the claimed elements were known*** in the prior art and the Examiner has provided no explanation or rationale to indicate how one of ordinary skill in the art would arrive at the missing elements given the applied references.

#### Claims 27-29, 31-34 and 49-65

Applicant believes the pending claims are patentable over the applied references; however to further prosecution and expedite allowance of the pending claims, Applicant has amended the claims to further clarify the subject matter of the claims.

Applicant has amended independent claim 27 to further recite

27. *A sales system for coupling to a communications network, comprising:*

*a sales server at a network address that operates a plurality of sales interfaces, each of the plurality of sales interfaces having a unique network address, each of the plurality of sales interfaces including a corresponding set of user interface elements, the sales server includes a customization interface to receive user inputs for an arrangement of a plurality of user interface elements, the plurality of user interface elements defining*

*display attributes for at least one of the plurality of sales interfaces , the sales server is operative to create the impression that the plurality of sales interfaces are being operated by different domains by operating with an address of a first sales interface mapped to a first domain and an address of a second sales interface mapped to a second domain different from the first domain, and the first sales interface includes links to a first set of pages not operated by the sales server but being mapped to the first domain, and the second sales interface includes links to a second set of pages not operated by the sales server but being mapped to the second domain; and*

*a central database system adapted to:*

*store listings of items for sale, received from the plurality of sales interfaces, wherein the listings of items for sale are indexed by the sales server, wherein the listings are offered on at least one of the plurality of sales interfaces,*

*receive bids for the items for sale from the plurality of sales interfaces, and*

*store the received bids in an item bidding history.*

Support for this amendment is found, at least, in Applicant's originally filed specification, pages 2, 3, 7, 8, as well as in FIG. 2 and the accompanying text. Applicant respectfully submits that all the elements of the pending claims were not known in the prior art. The applied references do not teach or suggest a sales server that *operates a plurality of sales interfaces*. The system of Carlin provides a host 12 (FIGs. 1 and 2) that controls access to the services of the multiple service providers by downloading a map to each subscriber. While the host 12 provides functionality, such as central billing, the host 12 does not *operate* a plurality of sales interfaces. Rather, the host 12 provides a common entry point.<sup>5</sup> This is in contrast to Applicant's claimed invention which provides a sales system, wherein a *sales server operates a plurality of sales interfaces*.

Further, the applied references do not teach or suggest any limitations for a *sales server that includes a customization interface to receive user inputs for an arrangement of a plurality of user interface elements, the plurality of user interface elements defining display attributes for at*

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<sup>5</sup> Carlin, col. 2, lines 29-35.

*least one of the plurality of sales interfaces, and a central database system adapted to receive bids for the items for sale from the plurality of sales interfaces.*

Applicant respectfully disagrees with the Examiner's characterization of the user interface of Carlin, "which allows each service provider to build a customized sales interface,"<sup>6</sup> as teaching a *customization interface* as recited in Applicant's claims. The *customization interface* of Applicant's claim 27 receives *user inputs for an arrangement of a plurality of user interface elements, the plurality of user interface elements defining display attributes for at least one of the plurality of sales interfaces.*

Additionally, the Examiner correctly states that "Carlin and RFC 1034 fail to explicitly teach a *central database system*" as recited in Applicant's claims.<sup>7</sup> Applicant, however, respectfully disagrees with the Examiner's characterization of Fischer as teaching a central database system as recited in Applicant's claim 27. While the system of Fischer teaches a merchandise database to store merchandise information,<sup>8</sup> Fischer does not teach a *central database system to store listings of items for sale, received from the plurality of sales interfaces, wherein the listings of items for sale are indexed by the sales server.* The applied references do not teach receiving *listings of items for sale from a plurality of sales interfaces.* The applied references do not teach a sales server indexing such listings of items for sale.

The applied references do not teach storing such listings of items for sale. Still further, the applied references do not teach such listings being *offered on at least one of the plurality of sales interfaces.* Neither Fischer nor Carlin teaches *listing information* being stored in a *central database* and offered on the *first sales interface or the second sales interface.* Carlin specifically teaches away from Applicant's claimed invention, as teaching that the service interfaces do not interact and one service cannot access data from another service.<sup>9</sup>

Additionally, the applied references do not teach a central database system to *receive bids for the items for sale from the plurality of sales interfaces and store the received bids in an item bidding history.* The applied references do not teach a *central database system* for receiving bids from a plurality of sales interfaces.

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<sup>6</sup> Office Action, page 3.

<sup>7</sup> Office Action dated March 19, 2009, pages 4-5.

<sup>8</sup> Fischer, col. 5, lines 46-51.

<sup>9</sup> Carlin, col. 5, lines 1-14.

Therefore, the teachings of the applied references cannot disclose the elements as claimed by known methods ***with no change in their respective functions***, and that ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art.

The arguments provided hereinabove are also applicable to claims depending on claim 27. For at least these reasons, the applied references do not teach or suggest Applicant's claimed invention. Applicant respectfully requests reconsideration and allowance of the claims pending in this application for patent.

### Claim 35

Applicant believes the pending claims are patentable over the applied references; however to further prosecution and expedite allowance of the pending claims, Applicant has amended the claims to further clarify the subject matter of the claims.

Support for these amendments is found, at least, in Applicant's originally filed specification, pages 2, 3, 7, 8, as well as in FIG. 2 and the accompanying text. Applicant respectfully submits that all the elements of the pending claims were not known in the prior art. The applied references do not teach or suggest any limitations for a

*a central database system adapted to:*

*store listings of items for sale from the first and second sales interfaces, wherein  
the listings are offered on the first sales interface or the second sales  
interface,  
receive bids for items from the plurality of sales interfaces; and  
store the bids in a item bidding history.*

For at least the reasons discussed hereinabove with respect to claim 27, the applied references do not teach such a *central database system*.

Therefore, the teachings of the applied references cannot disclose the elements as claimed by known methods ***with no change in their respective functions***, and that ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art.

Applicant respectfully requests reconsideration and allowance of the claims pending in this application for patent.

Claim 46

Applicant believes the pending claims are patentable over the applied references; however to further prosecution and expedite allowance of the pending claims, Applicant has amended the claims to further clarify the subject matter of the claims. As amended claim 46 recites a *sales method* comprising:

*storing the listings in a central database;*  
*indexing the listings;*  
*receiving bids for items from a plurality of sales interfaces;*  
*storing bids as a series of item bidding history.*  
*operating the first set of pages by a first server; and*  
*operating the second set of pages by a second server.*

Support for these amendments is found, at least, in Applicant's originally filed specification, pages 2, 3, 7, 8, as well as in FIG. 2 and the accompanying text. For at least the reasons discussed hereinabove with respect to claim 27 and 35, the applied references do not teach the elements of the claim.

Therefore, the teachings of the applied references cannot disclose the elements as claimed by known methods ***with no change in their respective functions***, and that ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art.

The arguments provided hereinabove are also applicable to claims depending on claim 46. For at least these reasons, the applied references do not teach or suggest Applicant's claimed invention. Applicant respectfully requests reconsideration and allowance of the claims pending in this application for patent.

Claim 38

Applicant believes the pending claims are patentable over the applied references; however to further prosecution and expedite allowance of the pending claims, Applicant has amended the claims to further clarify the subject matter of the claims. As amended claim 46 recites a *sales method* comprising:

*indexing the listings,*  
*operating the first set of pages by a first server;*  
*operating the second set of pages by a second server.*  
*receiving bids for items from the plurality of sales interfaces; and*  
*storing bids in a item bidding history.*

Support for these amendments is found, at least, in Applicant's originally filed specification, pages 2, 3, 7, 8, as well as in FIG. 2 and the accompanying text. For at least the reasons discussed hereinabove with respect to claim 27 and 35, the applied references do not teach the elements of the claim.

Therefore, the teachings of the applied references cannot disclose the elements as claimed by known methods ***with no change in their respective functions***, and that ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art.

The arguments provided hereinabove are also applicable to claims depending on claim 38. For at least these reasons, the applied references do not teach or suggest Applicant's claimed invention. Applicant respectfully requests reconsideration and allowance of the claims pending in this application for patent.

#### New claims 69 and 79

Applicant added new claims 69 and 70, support for which is found in Applicant's specification on pages 7 and 8. Applicant respectfully requests consideration and allowance of the new claims.



**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of July, 2009.

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